

REMARKS

The following issues are outstanding in the pending application:

- Claims 1-4, 6, 7, and 9 are rejected under 35 USC 102;
- Claim 5 is rejected under 35 USC 103; and
- Claim 8 is rejected under 35 USC 103.

Claim Amendments

Claim 1 has been amended to recite a packaging unit in which connection means are provided in the floor section of the container body and the cap in order to connect the packaging unit to another packaging unit, wherein an indentation in the floor section forms the connection means of the floor section of container body. Support for this amendment is found in paragraph [0024] of the specification. Claim 5 has been amended to tract the amendment of claim 1. No new matter has been added.

35 USC 102

Claims 1-4, 6, 7, and 9 are rejected under 35 USC 102(b) as having subject matter anticipated by U.S. Pat. No. 5,220,999 to Goulette. Applicant respectfully traverses this rejection.

Goulette discloses a nestable hinged container for displaying and storing articles. The container includes a lid 12, a receptacle 20 and a base 22. The lid 12 has an outwardly projecting peripheral rim flange 32 and an inwardly projecting concave portion 14. The base 22 terminates at its top in an uppermost edge 24. As shown in Figs. 2 and 3, the base tapers inwardly from the edge 24 and has a convex shape that corresponded to the concave portion 14 of the lid 12. The floor of the base 22 is flat.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. V Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully submits that nowhere does the Goulette reference teach or disclose a packaging unit in which

connection means are provided in the floor section of the container body and the cap in order to connect the packaging unit to another packaging unit, wherein an indentation in the floor section forms the connection means of the floor section of container body. In Goulette, the floor section of the container is flat, tapers inwardly from its top edge and has a convex shape that corresponded to the concave portion 14 of the lid 12. There is no indentation in the base that forms a connection means. Therefore, Applicant respectfully submits that since Goulette fails to teach or suggest each and every limitation of amended claim 1, a rejection, under 35 U.S.C. 102(b) cannot be sustained. Since claims 2-4, 6, 7 and 8 dependent at least in part upon amended claim 1, they also by definition are not anticipated by the Goulette reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 1-4, 6, 7 and 8 under 35 U.S.C. 102(b) as having subject matter anticipated by U.S. Pat. No. 5,220,999 to Goulette.

35 USC 103

Claim 5 is rejected under 35 USC 103(a) as having subject matter unpatentable over Goulette in view of U.S. Pat. No. 6,158,607 to Wallberg. Applicant respectfully traverses this rejection.

Wallberg is directed to storage container with an attachable lid 10. The container 12 has an open upper end 14, a closed lower end 16, and a cylindrical side wall 18 therebetween. An annular recess 36 is formed within a central portion of the closed lower end 16 of the container 12. The lid portion 24 has a corresponding annular protrusion 38 extending outwardly of an inner surface thereof for engaging the annular recess 36 when the lid portion 24 is disengaged from the open upper end 14 of the container 12.

Applicant respectfully submits that the previous discussion of the patentability of the current invention over Goulette obviates the present rejection. The combination of Goulette and Wallberg would not result in the packaging unit of amended claim 1. This is because a projection on the inside of the lid of Goulette would not allow for connection with an indentation on the base of Goulette in order to facilitate connecting of two containers. Claim 5 depends from amended independent claim 1, includes all of the limitations of amended claim 1, and therefore is also nonobvious. If an independent claim is nonobvious under 35 U.S.C. § 103 then any claim depending therefrom is by definition nonobvious. *In re Fine* 5

U.S.P.Q.2d 1596 (Fed Cir, 1988). Applicant asserts that because of its dependency from amended independent claim 1, claim 5 is nonobvious over Goulette in combination with Wallberg. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 5 under 35 USC 103(a) as having subject matter unpatentable over Goulette in view of U.S. Pat. No. 6,158,607 to Wallberg.

Claim 8 is rejected under 35 USC 103(a) as having subject matter unpatentable over Goulette in view of U.S. Pat. No. 4,787,552 to Natori. Applicant respectfully traverses this rejection.

Natori is directed to a case having a case body a lid that is connected to the case body through a hinge provided on one side with an open edge of the case body. An engaging tab and a slot are provided oppositely on the lid edge and the case body edge on the opposite side to the hinge. The case is formed from polypropylene.

Applicant respectfully submits that the previous discussion of the patentability of the current invention over Goulette obviates the present rejection. The Natori reference adds no new teaching to the Goulette reference that would result in the packaging unit of amended claim 1. Claim 8 depends from amended independent claim 1, includes all of the limitations of amended claim 1, and therefore is also nonobvious. If an independent claim is nonobvious under 35 U.S.C. § 103 then any claim depending therefrom is by definition nonobvious. *In re Fine* 5 U.S.P.Q.2d 1596 (Fed Cir, 1988). Applicant asserts that because of its dependency from amended independent claim 1, claim 8 is nonobvious over Goulette in combination with Natori. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 8 under 35 USC 103(a) as having subject matter unpatentable over Goulette in view of U.S. Pat. No. 4,787,552 to Natori.

CONCLUSION

In view of the above, applicant believes the pending application is in condition for allowance.

Application No. 10/501,702
Amendment dated April 28, 2008
Reply to Office Action of February 22, 2008

Docket No.: HO-P03030US0

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P03030US0 from which the undersigned is authorized to draw.

Dated: April 28, 2008

Respectfully submitted,

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